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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO DIVISION**

13 ADAPTIX, INC.,

14 Plaintiff,

15 v.

16 MOTOROLA MOBILITY LLC and
CELLCO PARTNERSHIP d/b/a
17 VERIZON WIRELESS,

18 Defendants.

Case No. 3:13-cv-1774-MEJ

**VERIZON'S STATEMENT IN
SUPPORT OF MOTOROLA'S
NOTICE OF PENDENCY OF
OTHER ACTIONS**

Judge: Hon. Maria-Elena James

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Pursuant to Civil L.R. 3-13(c), defendant Cellco Partnership d/b/a Verizon Wireless (“Verizon”) submits this statement in support of Motorola Mobility LLC’s notice of pendency of other actions (Dkt. No. 27). The following three cases, currently pending in the Eastern District of Texas, concern the same two patents and several of the same parties as this action:

1. *Adaptix, Inc. v. AT&T Mobility LLC, et al.*, Case No. 6:12-cv-017 (E.D. Tex.);
2. *Adaptix, Inc. v. Pantech Wireless, Inc., et al.*, Case No. 6:12-cv-020 (E.D. Tex.);
3. *Adaptix, Inc. v. Cellco Partnership d/b/a Verizon Wireless, et al.*, Case No. 6:12-cv-120 (E.D. Tex.) (hereafter the “Texas Actions”).

STATEMENT OF RELATIONSHIP TO ACTIONS IN THIS DISTRICT

In early 2012, Adaptix filed eight patent infringement suits in the Eastern District of Texas. *See, e.g.*, Dkt. No. 62, *Adaptix, Inc. v. Motorola Mobility LLC, et al.*, Case No. 3:13-cv-00016 (E.D. Tex.). Adaptix filed a ninth suit in the E.D. Tex. in January 2013. Adaptix alleges that defendants in all nine actions infringe the same two patents: U.S. Patent Nos. 6,947,748 and 7,454,212.

The E.D. Tex. court consolidated the original eight cases on September 11, 2012, for pretrial purposes. Dkt. No. 62, *Adaptix, Inc. v. Motorola Mobility LLC, et al.*, Case No. 3:13-cv-00016 (E.D. Tex.). On March 28, 2013, that court severed the cases and granted defendants’ motion to transfer in five of the eight cases to the Northern District of California. Dkt. No. 1, *Adaptix, Inc. v. Motorola Mobility LLC, et al.*, Case No. 3:13-cv-01774 (N.D. Cal.). The E.D. Tex. court granted transfer in the most recently filed case on April 11, 2013. These six cases are now pending before this Court in case numbers:

1. *Adaptix v. Motorola Mobility LLC, et al.*, Case No. 3:13-cv-1774 (N.D. Cal.);
2. *Adaptix v. Apple Inc., et al.*, Case No. 3:13-cv-1776 (N.D. Cal.);
3. *Adaptix v. Apple Inc., et al.*, Case No. 3:13-cv-1777 (N.D. Cal.);
4. *Adaptix v. AT&T Mobility LLC, et al.*, Case No. 3:13-cv-1778 (N.D. Cal.);
5. *Adaptix v. HTC Corp., et al.*, Case No. 5:13-cv-1884 (N.D. Cal.); and

6. *Adaptix v. Apple Inc., et al.*, Case No. __:13-cv-____ (N.D. Cal.)¹ (hereafter the “California Actions”).

The California Actions and the Texas Actions involve the same patents and several of the same parties. Adaptix alleges that defendants in each of the actions infringe the patents by making, using, offering for sale, selling and/or importing mobile communications devices advertised as operating on the 4G LTE wireless network. *See, e.g.*, Dkt. No. 2, *Adaptix, Inc. v. Motorola Mobility LLC, et al.*, Case No. 3:13-cv-01774 (N.D. Cal.). One of two network carriers, AT&T Mobility or Verizon, is a defendant in each of the California and Texas Actions.

Although the E.D. Tex. court denied defendants’ motion to transfer in the remaining Texas Actions, defendants in two of the Texas Actions have filed motions for reconsideration of the orders denying transfer. *See* 6:12-cv-120, Dkt. No. 67-68 (E.D. Tex.); Case No. 6:12-cv-017, Dkt. No. 85-86 (E.D. Tex.). Those motions are currently pending before the E.D. Tex. court. Consequently, Verizon does not believe transfer pursuant to 28 U.S.C. § 1407 (Multi District Litigation Procedures) is appropriate at the present time. If, after resolution of all venue-related motion practice, one or more of the Texas Actions remains in E.D. Tex., then it may be prudent for the parties to coordinate certain discovery activities (e.g., document production) to conserve resources, and/or to reconsider whether transfer should be effected pursuant to 28 U.S.C. § 1407.

Dated: May 8, 2013

/s/ Geoffrey M. Godfrey

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¹ The E.D. Tex. effectuated interdistrict transfer on April 30, 2013. This Court has not yet docketed.